

CONFIDENTIAL
WEEKLY HOT TOPICS REPORT for RA/DRA Region 8
Week ending August 10, 2018

OFFICE OF ECOSYSTEMS PROTECTION AND REMEDIATION

HOT ISSUES AND IMPORTANT DEADLINES:

American Tunnel work resumed on August 8, 2018, at the Bonita Peak Mining District NPL site.

Key Message: On the morning of August 8, BLM provided their concurrence to proceed with work initiated in September 2017 to restore original site conditions at the entrance to the American Tunnel and provide access for inspection of the bulkhead. Ensuring access to the bulkhead was critical to a reconnaissance visit organized by BLM with Sunnyside Gold for August 9, 2018, in preparation for work to be conducted under a UAO. This work includes:

- Mucking out sediment within the portal that was generated over the past year.
- Installing a flume inside the portal to replace the flume removed last year that was outside of the portal.
- Installing a sump and pipe so tunnel drainage will flow in a controlled manner to Cement Creek through the pipe.
- Removing accumulated sediment from the existing pond to facilitate sediment management during American Tunnel work activities.
- Regrading area outside of the American Tunnel to improve slope stability.
- Region 8 consulted with headquarters on this work last year and received concurrence from OSRTI to proceed.
- Contacts: Rebecca Thomas, 312-6552; Kerry Guy, 312-7288

OFFICE OF ENFORCEMENT, COMPLIANCE & ENVIRONMENTAL JUSTICE

HOT ISSUES AND IMPORTANT DEADLINES:

RCRA/CERCLA Enforcement Anticipates Issuing a Unilateral Order to

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

- Contact: Fran Chambus, 312-6782; Legal Contact: Amelia Piggott, 312-6410

RCRA/CERCLA Enforcement Issued a CERCLA Section 107(l) Federal Lien, on 4 parcels of land owned by Transamerica Realty Services, Inc, at the Illinois Gulch Site located southeast of Breckenridge, in Summit County, Colorado, Superfund #A8-88

Key Message: The EPA is pursuing a Potential Responsible Party (PRP) lead removal action at the site. Based on the information collected, the EPA has determined that that Transamerica Realty Services, Inc. (“Transamerica”) may be liable under section 107(a) of CERCLA with respect to the site as a current owner at the site. EPA learned that Transamerica was attempting to market their site properties. The lien is being issued to protect EPA’s ability to pursue a responsible party for costs incurred with the site.

- EPA has issued a Lien and General Notice to Transamerica concerning their PRP status at the site.
- Transamerica has met with EPA concerning the lien and declined to request a hearing concerning the perfection of the lien.
- Transamerica has suggested that they are open to conducting a removal action at the site under an administrative order.
- Contact: Mike Rudy, 312-6332; Legal Contact: Doug Naftz, 312-6942

Wetlands Administrative Order on Consent Entered into with C-2 Construction, Inc. and Iron Man Enterprises, LLC to Address Unauthorized Discharges of Dredged and Fill Material to Waters of the U.S. in Dunn County, North Dakota

Key Message: Under the terms of the AOC, C-2 Construction and Iron Man Enterprises have agreed to restore wetlands adjacent to a tributary of Gumbo Creek, which were impacted by the unauthorized discharge of dredged and fill material, in violation of the CWA.

- The CWA prohibits the discharge of material to jurisdictional wetlands unless authorized by a permit issued by the U.S. Army Corps of Engineers.
- The wetlands in this AOC were impacted during the construction of an industrial park near Killdeer, ND.
- The AOC includes a mitigation plan, which requires C-2 Construction and Iron Man Enterprises to restore and create approximately 6 acres of wetlands.
- While the CWA 404 program is not delegated to North Dakota, the Region coordinated with the North Dakota Department of Health and North Dakota Department of Transportation during the development of the mitigation plan due to the proximity of the impacted area to a State wetland mitigation site.
- C-2 Construction and Iron Man Enterprises will monitor the wetland restoration and creation sites for 5 years until all success criteria have been achieved.
- Management Contact: Ken Champagne, 312-6608

NPDES Enforcement Plans to Send Warning Letters to Two Facilities for Significant Noncompliance (SNC)

Key Message: NPDES Enforcement plans to send warning letters to two facilities to notify them the EPA’s data indicates they are in significant noncompliance and requesting corrective actions.

Deliberative Process / Ex. 5

- Technical Contact: Laurel Dygowski 312-6144; Management Contact: Stephanie DeJong 312-6362

Deliberative Process / Ex. 5

- RPM Contact: Rob Parker, 312-6664; Legal Contact: Amelia Piggott, 312-6410

Drinking Water Enforcement Plans to Issue a SDWA Emergency Administrative Order (EAO) to

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

- Technical Contact: Kathelene Brainich 312-6481; Management Contact: Tiffany Cantor, 312-6521

OFFICE OF PARTNERSHIPS AND REGULATORY ASSISTANCE

No report

OFFICE OF TECHNICAL AND MANAGEMENT SERVICES

No report

OFFICE OF WATER PROTECTION

HOT ISSUES AND IMPORTANT DEADLINES:

EPA Region 8 hosted a PFAS Community Engagement event in Colorado Springs, CO on August 7 and 8, 2018

Key Message: EPA heard a variety of concerns and recommendations for addressing PFAS contamination issues from state and local agencies, water utilities and the public during the event. EPA will use the information gathered from this meeting and from similar meetings in other states to create a national PFAS management plan.

- Approximately 200 people attended the first day, with about 140 on the second day.
- On the first day, EPA heard from a panel of 8 people representing the state, county, four water utilities and two community groups, as well as 25 people who spoke at the open listening session. On the second day, a roundtable of 12 organizations provided information and recommendations to EPA on the issues of Identifying PFAS, Communicating about PFAS, and Solutions to PFAS.
- The water utilities shared information about their activities to obtain additional water supplies and install treatment of groundwater sources to address elevated levels of PFAS once the EPA's health advisory was released in early 2016. The utilities collaborated on public messaging and water treatment options and were successful in providing drinking water that met the health advisory level.
- Community members spoke about concerns related to cancer and other health issues in the community, contamination of the aquifer, and the different advisory and regulatory levels set by various state and federal agencies. They requested blood testing and medical monitoring for community members, EPA to set an MCL of 1 ppt, funding for remediation of the aquifer and for medical expenses, and to have stakeholder representation in decisions about PFAS issues.
- The Colorado Department of Public Health and the Environment raised the lack of authority to require PFAS sampling and corrective actions without federal regulatory standards. Regardless, the state is very involved in assisting three different communities in addressing PFAS contamination.

- Speakers also discussed the complexities of regulating 3,000 different PFAS compounds, the need for advanced treatment and analytical technologies, and difficulties communicating with the public since many aspects of PFAS issues are unknown.
- Jody Ostendorf, Congressional and Intergovernmental Liaison, met representatives from Senator Gardner, Senator Bennet and Congressman Doug Lamborn's offices, and several intergovernmental entities.
- There was extensive media coverage of the event on both days including 2 newspaper articles, 4 radio spots, and 4 television spots.
- Contact: Lisa Kahn, 312-6896; Sarah Bahrman, 312-6243; Lisa McClain-Vanderpool, 312-6077